

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Gram Panchayats-Bondugula Gram Panchayat, Rajapet Mandal, Nalgonda District – Appeal Petition filed by Sri G.Venkatesh Goud, Sarpanch, (Removed) Bondugula Gram Panchayat, Rajapet Mandal, Nalgonda District against Proceedings of Collector (PW) Nalgonda District – Dismissed – Orders – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (Pts.II) DEPARTMENT

G.O.Rt.No: 250

Dt:12 -2-2009

Read the following:-

- 1.From the Dist.Collector(PW),Nalgonda District, Proceedings No.1018/07-B1(Pts.)/-2, dt.2.1.2008.
- 2.From Sri G.Venkatesh Goud, Sarpanch (Removed) Bondugula Gram Panchayat, Rajapet Mandal, Nalgonda District appeal petition dt.5.2.2008.
- 3.Govt.Memo.No.22804/Pts.II/A1/08-1, dt.14.10.2008.
- 4.From the Dist.Collector (PW),Nalgonda Dist. Lr.Roc.No.1018/07-B1(Pts.)dt.13.11.2008.
- 6.Govt.Telegram No.22804/Pts.II/A1/08-3, dt.2.1.2009.

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ORDER

In the reference 1st and 4th read above, the District Collector (PW), Nalgonda District has removed Sri G.Venkatesh Goud, Sarpanch, Bondugula Gram Panchayat, Rajapet Mandal, Nalgonda District for misappropriating the Gram Panchayat funds under Section 249 (1) and for recovery of the said amount under section 265(1) of APPR act.1994.

2. Aggrieved by the above said orders, in the reference 2nd read above, G.Venkatesh Goud, Sarpanch(Removed) has filed an appeal petition before the Government and requested to suspend the orders passed by the District Collector(PW),Nalgonda District in the reference 1st read above.

3.. In the reference 3rd read above, Govt. have requested the Collector (PW) Nalgonda to furnish the report to Government . In the reference 4th read above the District Collector (PW), Nalgonda has furnished the report and stated that the Upa-Sarpanch and Ward Members, Bondugula Gram Panchayat, Rajapet Mandal have given a complaint against the Sarpanch, Bondugula Gram Panchayat for conduct of enquiry and to take action as per the provisions of APPR Act, 1994. The Divisional Panchayat Officer, Bhongir has conducted enquiry on the allegations levelled against the Sarpanch, Bondugula Gram Panchayat. The cheque drawing powers of the Sarpanch have been restricted with the counter signature of the Extension Officer (PR&RD), Rajapet and two Show Cause Notices have been issued under section 249(1) of APPR Act 1994 for removal from the office of the Sarpanch, Bondugula Gram Panchayat and U/s 265(1) for recovery of the misappropriated amount under the provisions of APPR Act, 1994 duly giving an opportunity of (15) days for submission of his explanation. Sri G.Venkatesh Goud, Sarpanch (Removed) Bondugula Gram Panchayat, has requested to give him more opportunity for (30)

days as he was suffering from ill-health and not got recorded M .Books by the Engineering Department as they were on strike.

4 As per the request of the Ex- Sarpanch, Bondugula Gram Panchayat he was given an opportunity of (15) more days upto 20.10.2007, but he has failed to submit his explanation even after a lapse of more than (2) months.

5. Sri G.Venkatesh Goud, Sarpanch, Bondugula Gram Panchayat, Rajapet Mandal,Nalgonda District was removed from the office of the Sarpanch, U/s 249(1) and issued recovery orders U/s 265 (1) of APPR Act, 1994 as he has failed to submit his explanation and connected records on the following allegations:

- 1.that he has drawn an amount of Rs.4,72,112/- through the cheques without submitting the cash book and M.Books and the said amount of Rs.4,72,112/- was misappropriated by him and needs recovery from him.
- 2.that he has drawn an amount of Rs.1,00,000/- from the EFC Funds and misappropriated the amount and needs to be recovered from him.
- 3.that he has collected an amount of Rs.13,000/ for according tap connection permission and misappropriated the amount which needs to be recovered from him.
- 4.that he has conducted cattle auction, and the amount of Rs.8,200/- so accrued has been misappropriated and needs to be recovered from him.
- 5.that he has drawn advance amounts without executing any works and misappropriated the advance drawn. He was given a warning not to draw amounts in advance, but he has repeated the same mistake and misused the powers vested in the office of the Sarpanch.

6.. Aggrieved by the removal and recovery orders of the District Collector(PW) Nalgonda, Sri G.Venkatesh Goud, Sarpanch (Removed) , Bondugula Gram Panchayat has approached the High court of A.P., Hyderabad and filed WP No.137/07 . The High court of AP, Hyderabad has disposed the WP No.437/2008 filed by G.Venkatesh Goud, Sarpanch (Removed), Bondugula Gram Panchayat, Rajapet Mandal with the following directions:

“The Writ Petition is accordingly dismissed leaving it open to the petitioner to pursue the remedy of appeal. The appellate authority shall dispose of the appeal, as early as possible, preferably, within a period of two months from the date of receipt of a copy of this order, if not already disposed of. No order as to costs”.

7. Sri G.Venkatesh Goud has filed an appeal on 23.9.2008 inter-alia contending that the order of the District Collector is contrary to the law weight of the evidence and probabilities of the case and the impugned proceedings are passed without supplying the enquiry reports, that the District Collector ought to have seen

before removing the appellant that he has not misappropriated any Gram Panchayat funds, that the District Collector ought to have seen that the explanation submitted by the appellant denying all charges and requested to supply Bill Books and M. Books. He has therefore, requested to set aside the impugned orders of the District Collector.

8. The case was posted for hearing on 5.1.2009. the appellant appeared along with his advocate and while reiterating the contents raised in the appeal has argued that the appellant has never misused or misappropriated any Gram Panchayat funds, and whatever the amounts drawn were spent for the developmental works. He has therefore requested to set a side the impugned proceedings.

9. Government have gone through the records. It is on record that on enquiry it was revealed that the appellant has drawn the amount to a tune of Rs.5,93,312/- from the Gram Panchayat funds but failed to account for the same. He was called upon to show cause as to why action should not be taken against him under the provisions of APPR Act 1994 for the misappropriation of Gram Panchayat funds. In spite of giving ample opportunity, the petitioner failed to give proper accounts for the amounts drawn by him. Even during the hearing also he could not be able to show proper evidence and accounts for proper utilization of the amounts drawn by him. It is therefore amply proved that the appellant has misappropriated an amount of Rs. 5,93,312/- of precious Gram Panchayat funds and failed to produce proper vouchers, bills and accounts for the amounts drawn by him.

10. Government after careful consideration in the matter find any illegality irregularity and impropriety in the impugned orders passed by the District Collector (PW) Nalgonda District. The appeal merits no consideration and the same is hereby dismissed and confirm the orders of District Collector(PW),Nalgonda in the reference 1st and 4th read above.

11. The District Collector (PW), Nalgonda shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

CHITRA RAMCHANDRAN
SECRETARY TO GOVERNMENT

To
The District Collector,(PW),Nalgonda District.
Copy to:The Commissioner,
Panchayat Raj &Rural Employment,AP,Hyderabad.
The District Panchayat Officer,Nalgonda District.
Sri G.Venkatesh Goud, Sarpanch(Removed)
,Bondugula Gram Panchayat, , Rajapeta Mandal,
Nalgonda District.
The P.S. to Minister (Panchayat Raj)/
The P.S to Secretary to Government (PR)
SC/SF.

// Forwarded by Order //

SECTION OFFICER